

**CONTROLLED SUBSTANCES BOARD  
MADISON, WI  
MINUTES  
DECEMBER 4, 2002**

**PRESENT:** Yvonne Bellay, Cynthia Benning, Kenneth Robbins,  
Roma Rowlands, Thomas Rudy, Robert Sloey

**STAFF PRESENT:** Deanna Zychowski, William Black, Grace Schwingel,  
Jim Harris-DOE

**GUESTS:** James Shellow, Shellow & Shellow  
John Steele, Ph.D., Shellow & Shellow  
Mike Grafton, DEA, Milwaukee  
Angela Kalhelsla, The Shellow Group  
David Buck, Rexnord  
Ken Rueem  
Linda Bochert, Michael Best & Friedrich

**CALL TO ORDER – ROLL CALL**

Cynthia Benning, Chair, called the meeting to order at 9:30 a.m. A quorum of six board members was present. Cynthia Benning introduced newly appointed Dr. Kenneth Robbins, psychiatrist member of the Board.

**APPROVAL OF AGENDA**

Additions to agenda:

- Petition to dismiss information from the state of Wisconsin Circuit Court, Marinette County. submitted by Isaac Eckman, (after C)
- Petition for emergency scheduling (After C)
- Controlled Substance Act
- Amendments to SUA Applications
- SUA applications of Iris Peterson, Robert Scofield, Timothy O’Leary IV
- ARCOS Report of activity in Wisconsin
- NFLIS brochure

**MOTION:** Thomas Rudy moved, seconded by Roma Rowlands, to approve the agenda as amended. Motion carried unanimously.

Roma Rowlands announced she is retiring from the Board and that today will be her last meeting. Roma Rowlands recommended Doug Englebert as a good choice to replace her on the Board. Cynthia Benning thanked Roma for her years of service to the Board and to the people of Wisconsin.

**SECRETARY’S OFFICE**

Deputy Secretary Greg Horstman reported that the members of the administrative team were working with the Governor-Elect's Transition Team to provide necessary information on the topics and issues the Department is working on to ensure a smooth transition as Governor-Elect Doyle prepares to take office. The administration believes there will be significant changes in the Department, but at this time does not have specific information as to the timeline for those changes. The Department is working on legislation to have representative from the Medical Board and the Nursing Board to serve on the Controlled Substance Board. Greg Horstman reported on a presentation to the Assemblies' Speakers Task Force on State Agencies that was held in October, informing that committee on what this Board does.

### **APPROVAL OF MINUTES OF OCTOBER 2, 2002**

Amendments to minutes: On page 2 of minutes, change the last line under "Drug Summary Reports" to read: "The Board decided to further examine options for restriction of sales."

**MOTION:** Roma Rowlands moved, seconded by Robert Sloey, to approve the minutes of October 2, 2002, as amended. Motion carried unanimously.

### **REVIEW AND APPROVAL FOR PUBLISHING SCOPE STATEMENT TO RESCHEDULE BUPRENORPHINE FROM SCHEDULE V TO SCHEDULE III**

Cynthia Benning indicated this issue was discussed at the NASCA meeting. Legal Counsel, William Black noted the scope statement will be published for the next Board meeting.

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the scope statement as presented. Motion carried unanimously.

### **REVIEW AND APPROVAL OF GHB RULE TO SEND TO THE CLEARINGHOUSE**

Legal Counsel, William Black, reviewed the GHB rule and discussed the process for getting this rule adopted. William Black indicated that the soonest this rule could be effective would be August or September 2003.

**MOTION:** Roma Rowlands moved, seconded by Robert Sloey, to approve the GHB rule to be sent to the Clearinghouse. Motion carried unanimously.

### **PETITION FOR EMERGENCY SCHEDULING OF BDO**

Legal Counsel, William Black, reviewed and provided an analysis of the petition and supporting material.

**MOTION:** Thomas Rudy moved, seconded by Robert Sloey, to deny the petition for emergency scheduling of BDO, based on incomplete showing of requirements to initiate emergency scheduling under 961.25). Motion carried unanimously.

**MOTION:** Robert Sloey moved, seconded by Thomas Rudy, to draft legislation to make BDO a schedule 1 drug for human consumption, making an exemption for industrial uses. Motion carried unanimously.

### **CONTROLLED SUBSTANCES BOARD – 2002 ANNUAL REPORT**

**MOTION:** Thomas Rudy moved, seconded by Robert Sloey, to approve the annual report of the Controlled Substances Board. Motion carried unanimously.

### **REPORT OF NASCSA MEETING – CYNTHIA BENNING**

Cynthia Benning gave a report of the NASCSA meeting, noting problems with drug smuggling across US borders. Cynthia Benning indicated she would order 6 copies of the report “National Forensics Laboratory Information System Quarterly Report” for Deanna Zychowski.

### **SPECIAL USE AUTHORIZATION APPLICATIONS**

Cynthia Benning reviewed the criteria and rationale for special use authorization applications (SUA). This is a process that allows individuals, such as veterinarians and wild life people, to possess specific amounts of controlled substances for special purposes.

#### **JOHN KREMER – BELL BROOK LABS, INC.**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the application of John Kremer for controlled substances special use authorization. Motion carried unanimously.

#### **INGEGERD KEITH – UW SCHOOL OF VET MED. DEPT. COMPARATIVE BIOSCIENCES.**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the application of Ingegerd Keith for controlled substances special use authorization. Motion carried unanimously.

#### **ANTHONY AURIT – PPD PHARMACO.**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to deny the request for an amendment to the existing SUA #700 for Tony Aurit. Motion carried unanimously.

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to authorize Thomas Rudy to investigate the request of Anthony Aurit further and to approve the amendment on behalf of the Board if it is appropriate, in order to expedite this matter in a timely manner. Motion carried unanimously.

**JUNG PA KIM – MEDICAL COLLEGE OF WISCONSIN, DEPT. OF BIOCHEMISTRY.**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the application of Jung Pa Kim for controlled substances special use authorization. Motion carried unanimously.

**SCOTT ZIMMERMAN – UW STOUT**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the special use authorization for 50 mls with amendment to ask Scott Zimmerman to show proof of destruction of 50 ml. Motion carried unanimously.

**CAROL HEMKER – WATERTOWN HUMANE SOCIETY.**

**MOTION:** Yvonne Bellay moved, seconded by Roma Rowlands, to approve the application of Carol Hemker for controlled substances special use authorization. Motion carried unanimously.

**SUSAN GOCK**

**MOTION:** Robert Sloey moved, seconded by Roma Rowlands, to approve the application of Susan Gock for controlled substances special use authorization. Motion carried unanimously.

**JOHN BUTEYN – FONTAROME CHEMICAL, INC.**

**MOTION:** Robert Sloey moved, seconded by Yvonne Bellay, to deny the application of John Buteyn until they get a DEA permit for manufacturing purposes. The Board would reconsider this request once a DEA permit is obtained. Motion carried unanimously.

**KENNETH TERBEEK #703**

**MOTION:** Robert Sloey moved, seconded by Roma Rowlands, to deny the SUA application of Kenneth TerBeek because the application listed 4 separate addresses and was not signed. A separate SUA application must be made for each address and each application must be signed for the Board to review this application at the February meeting. Motion carried unanimously.

**IRIS PETERSON**

**MOTION:** Robert Sloey moved, seconded by Roma Rowlands, to approve the SUA application of Iris Peterson with the requirement that she must get a letter from her physician indicating the need for the drug and the dosage amount; her physician must sign off on the application. Motion carried unanimously.

**ROBERT SCOFIELD**

**MOTION:** Thomas Rudy moved, seconded by Robert Sloey, to approve the SUA application of Robert Scofield. Motion carried unanimously.

**TIMOTHY O'LEARY IV**

**MOTION:** Robert Sloey moved, seconded by Roma Rowlands, to approve the SUA application of Timothy O'Leary IV. Motion carried unanimously.

**MOTION:** Roma Rowlands moved, seconded by Yvonne Bellay, to authorize Cynthia Benning to review and approve xyrem SUA's that may come in before the next board meeting. Motion carried unanimously.

**REVIEW OF OTHER APPLICATIONS COMPLETED AFTER MAILING OF AGENDA**

None

**APPOINTMENT OF BOARD MEMBER TO REVIEW APPLICATIONS FOR SUA FOR USE IN THE TREATMENT OF NARCOLEPSY**

Noted

**REVIEW OF PROTOCOLS REGARDING RENEWALS**

Noted

**DRUG SUMMARY REPORTS**

Noted

**SCAODA REPORT**

Noted

**INFORMATIONAL ITEMS**

Reviewed informational items on distribution of drugs in WI

**OTHER BOARD BUSINESS.**

None

**ADJOURNMENT**

**MOTION:** Roma Rowlands moved, seconded by Robert Sloey, to adjourn the meeting at 12:15 p.m. Motion carried unanimously.

**Next Meeting: February 5, 2003**